

### **Remarks**

The above Amendments and these Remarks are in reply to the Office Action mailed February 18, 2005.

Claims 52-83 were objected to for minor informalities in claims 52, 59, 71, 79 and 83. These claims have been amended to overcome these objections, and thus these claims should now be allowable. Such amendments are not narrowing.

Claims 71-78 and 83 were provisionally rejected under obviousness-type double patenting rejection based on U.S. Patent Application No. 10/074,379 in view of U.S. Patent No. 6,494,940 to Hak. Applicants do not necessarily agree with this rejection. However, to expedite issuance of a patent, Applicants are submitting a Terminal Disclaimer herewith, as recommended in the Office Action. Accordingly, Applicants respectfully request that the non-statutory double patenting rejection be withdrawn. Applicants note that a Certificate of Ownership has already been filed.

Applicants would like to thank the Examiner for indicating that claims 84-93 are allowed. Minor amendments were made to claims 84, 85 and 90. Such amendments are not narrowing.

### **\*\*Request for Consideration of Previously Submitted IDSs\*\***

1. Applicants mailed an IDS to the USPTO on **April 27, 2004**, but have not yet received an initialed copy of the IDS back, indicating consideration of the reference therein by the Examiner. Accordingly, Applicants are submitting a date stamped copy of this IDS, evidencing its receipt by the USPTO. Applicants respectfully request that the Examiner consider the reference cited therein and return to Applicants an initialed copy of this IDS.
2. Applicants submitted an electronic IDS on **August 30, 2004**, but have not received an initialed copy of the IDS back, indicating consideration of the references therein by the Examiner. Accordingly, Applicants are submitting a copy of the electronic IDS and an Acknowledgement Receipt from the USPTO, evidencing its receipt by the USPTO. Applicants respectfully request that the Examiner consider the references cited therein and return to Applicants an initialed copy of this IDS.
3. Applicants submitted another electronic IDS on **November 24, 2004**, but have not received an initialed copy of the IDS back, indicating consideration of the references therein by the Examiner. Accordingly, Applicants are submitting a copy of the electronic IDS and an Acknowledgement Receipt from the USPTO, evidencing its receipt by the USPTO. Applicants

respectfully request that the Examiner consider the references cited therein and return to Applicants an initialed copy of this IDS.

### Conclusion

Applicants believe that all pending claims 52-93 should be in condition for allowance and respectfully request that a Notice of Allowance be issued. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 3/22/05

By:   
Jeffrey R. Kurin  
Reg. No. 41,132

Fliesler Meyer LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: 415/362-3800  
Facsimile: 415/362-2928  
Customer No. 23910



# COPY

MAR 24 2005

The U.S. PATENT Office date stamp and Serial No. (if a new application) sets forth the date of receipt of:

Applicant: Taylor et al.

Patent/Serial No.: 10/074,096      Received/Filing Date: Feb. 12, 2002

Title: ELECTRO-KINETIC AIR TRANSPORTER AND CONDITIONER

Devices with ENHANCED Anti-Microbialorganism

REC'D

Patent Application and \$ \_\_\_\_\_ fee

Pages in Spec. \_\_\_\_\_ : No. of Claims \_\_\_\_\_

CPA    CIP    CON    DIV    Provisional

No. of Sheets of Drawings \_\_\_\_\_ :  Formal MAY 04 2004 Informal

Preliminary Amendment

Response to Notice of Missing Parts

Assignment and Cover Sheet

Declaration

Power of Attorney

Small Entity Statement

Petition for Extension of Time ( \_\_\_\_\_ months)

Response

FEE: \$ \_\_\_\_\_

Other: (7) Cited Documents

FLIESLER MEYER LLP

IDS  
 Issue Fee Transmittal  
 Transmittal Letter  
 Certificate of Mailing  
 Express Mail No.  
 Notice of Appeal  
 Appeal Brief



File No.: SHPR-010284LS4

Attorney/Secy: SRM-JRK

Date Mailed: April 27, 2004

Date Due: —

Appeal Brief

Other: (7) Cited Documents

File No.: SHPR-010284LS4

Attorney/Secy: SRM-JRK

Date Mailed: April 27, 2004

Date Due: —

Docketing

Fliesler, Meyer LLP

File: SHPR-010284LS4

Action Item: —

Date Due: —

Critical Date: —

Attorney Path: SRM/JRK

Docketed By: SRM

Verified By: —

Remarks

BEST AVAILABLE COPY

# COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

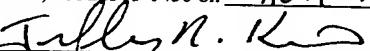
### In re Application

Inventor: Charles E. Taylor et al.  
Appl. No.: 10/074,096  
Confirm. No.: 9062  
Filed: February 12, 2002  
Title: Electro-Kinetic Air Transporter and Conditioner  
Device with Enhanced Anti-Microorganism Capability

### PATENT APPLICATION

Art Unit: 1753  
Examiner: Kishor Mayekar  
Customer No. 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**  
I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 4/27/04.

  
(Attorney Signature)  
Jeffrey R. Kurin, Reg. No. 41,132  
Signature Date: 4/27/04

### FIFTH INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

***Enclosed with this statement are the following:***

- Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with MPEP §609.
- The present application was filed prior to June 30, 2003. A copy of each cited document as required by 37 C.F.R. §1.98 is enclosed.

***This statement should be considered because:***

- 37 CFR §1.97(b).** This statement qualifies under 37 CFR §1.97, subsection (b) because:
  - (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under §1.53(d);  
-- OR --
  - (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
  - (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
  - (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 CFR §1.114.

— **37 CFR §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 CFR §1.97, subsection (c) because:

(1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

— -- AND (check at least one of the following) --

(1) It is accompanied by a STATEMENT as set forth in 37 CFR §1.97(e).  
— -- OR --  
(2) It is accompanied by the \$180 fee set forth in 37 CFR §1.17(p).

— **37 CFR §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 CFR §1.97, subsection (d) because:

(1) It is being filed on or before payment of the issue fee;  
— -- AND --  
(2) It is accompanied by a STATEMENT as set forth in 37 CFR §1.97(e);  
— -- AND --  
(3) It is accompanied by the \$180 fee set forth in 37 CFR §1.17(p).

X **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325.

Respectfully submitted,

Date: 4/27/04

By: Jeffrey R. Kurin  
Jeffrey R. Kurin, Reg. No. 41,132

Customer No. 23910  
Fliesler Meyer LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
415/362-3800 Telephone

INFORMATION DISCLOSURE CITATION  
BY APPLICANT

(Use several sheets if necessary)

Applicant  
Charles E. Taylor et al.Filing Date  
February 12, 2002Group Art Unit  
1753

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	Name	Class	Subclass	Filing Date
1.		3,374,941	3/26/1968	Okress			6/30/1964
2.		5,248,324	9/28/1993	Hara			2/19/92

## U.S. PATENT PUBLICATIONS

Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
3.		2004/0065202 A1	4/8/2004	Gatchell et al.
4.		2004/0052700 A1	3/18/2004	Kotlyar et al.

## PENDING U.S. PATENT APPLICATIONS

Examiner Initial		Application Number	Filing Date	Inventor	Petition to Expunge	
					Yes	No

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Publication Date	Country	Translation	
					Yes	No
5.		CN 2138764 Y	7/21/1993	China	✓	
6.		CN 2153231 Y	1/19/1994	China	✓	
7.		CN 87210843 U	7/6/1988	China	✓	

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*1 = Copy not submitted because it was submitted in prior application \_\_\_\_/\_\_\_\_\_, filed \_\_\_\_\_, 20\_\_\_\_\_, and relied upon under 35 USC §120.

\*2 = Copy not submitted because it was submitted in prior application \_\_\_\_/\_\_\_\_\_, filed \_\_\_\_\_, 20\_\_\_\_\_, and relied upon under 35 USC §120.

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE  
ACKNOWLEDGEMENT RECEIPT

Electronic Version 1.1

Stylesheet Version v1.1.1

Title of Invention	Electro-Kinetic Air Transporter and Conditioner Device with Enhanced Anti-Microorganism Capability																									
Submission Type:	Information Disclosure Statement																									
Application Number:	10/074096	*10/074096*																								
EFS ID:	67623																									
Server Response:	<table border="1"><thead><tr><th>Confirmation Code</th><th>Message</th></tr></thead><tbody><tr><td>ISVR1</td><td>Submission was successfully submitted - Even if Informational or Warning Messages appear below, please do not resubmit this application</td></tr><tr><td>ICON1</td><td>9062</td></tr><tr><td>USPTOEFSNotice</td><td>For assistance with e-filing a patent application, contact the Patent Electronic Business Center: Toll-Free Number:1(866) 217-9197 Website: <a href="http://www.uspto.gov/ebc/">http://www.uspto.gov/ebc/</a></td></tr></tbody></table>		Confirmation Code	Message	ISVR1	Submission was successfully submitted - Even if Informational or Warning Messages appear below, please do not resubmit this application	ICON1	9062	USPTOEFSNotice	For assistance with e-filing a patent application, contact the Patent Electronic Business Center: Toll-Free Number:1(866) 217-9197 Website: <a href="http://www.uspto.gov/ebc/">http://www.uspto.gov/ebc/</a>																
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First Named Applicant:	Charles Taylor																									
Attorney Docket Number:	SHPR-01028US4																									
Timestamp:	2004-08-30 15:00:00 EDT																									
From:	us																									
File Listing:	<table border="1"><thead><tr><th>Doc. Name</th><th>File Name</th><th>Size (Bytes)</th></tr></thead><tbody><tr><td>us-ids</td><td>SHPR-01028US4-usidst.xml</td><td>4626</td></tr><tr><td>us-ids</td><td>us-ids.dtd</td><td>7763</td></tr><tr><td>us-ids</td><td>us-ids.xsl</td><td>12026</td></tr><tr><td>package-data</td><td>SHPR-01028US4-pkda.xml</td><td>2024</td></tr><tr><td>package-data</td><td>package-data.dtd</td><td>27025</td></tr><tr><td>package-data</td><td>us-package-data.xsl</td><td>19263</td></tr><tr><td colspan="2">Total files size</td><td>72727</td></tr></tbody></table>		Doc. Name	File Name	Size (Bytes)	us-ids	SHPR-01028US4-usidst.xml	4626	us-ids	us-ids.dtd	7763	us-ids	us-ids.xsl	12026	package-data	SHPR-01028US4-pkda.xml	2024	package-data	package-data.dtd	27025	package-data	us-package-data.xsl	19263	Total files size		72727
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Government,c=US

**ELECTRONIC INFORMATION DISCLOSURE STATEMENT**

Electronic Version v18

Stylesheet Version v18.0

Title of Invention	Electro-Kinetic Air Transporter and Conditioner Device with Enhanced Anti-Microorganism Capability						
Application Number:	10/074096			*10/074096*			
Confirmation Number:	9062						
First Named Applicant:	Charles Taylor						
Attorney Docket Number:	SHPR-01028US4						
Examiner:	Rodney G McDonald						
Search string:	( 0653421 or 0995958 or 4102654 or 4659342 or 4674003 or D315598 or 5012093 or 5077500 or D329284 or D332655 or 5248324 or 5266004 or 5290343 or 5435817 or 5532798 or D375546 or D377523 or 5641342 or D389567 or 5779769 or 5911957 or 5980614 or 6193852 or 6212883 or 6508982 ).pn.						
<b>US Patent Documents</b>							
Note: Applicant is not required to submit a paper copy of cited US Patent Documents							
init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
	1	0653421	1900-07-10	Lorey			
	2	0995958	1911-06-20	Goldberg			
	3	4102654	1978-07-25	Pellin			
	4	4659342	1987-04-21	Lind			
	5	4674003	1987-06-16	Zylka			
	6	D315598	1991-03-19	Yamamoto et al			
	7	5012093	1991-04-30	Shimizu			
	8	5077500	1991-12-31	Totok et al			
	9	D329284	1992-09-08	Patton			
	10	D332655	1993-01-19	Lytle et al			
	11	5248324	1993-09-28	Hara			
	12	5266004	1993-11-30	Tsumurai et al			
	13	5290343	1994-03-01	Morita et al			
	14	5435817	1995-07-25	Davis et al			
	15	5532798	1996-07-21	Nakagami et al			

16	D375546	1996-11-12	Lee
17	D377523	1997-01-21	Marvin et al
18	5641342	1997-06-24	Smith et al
19	D389567	1998-01-20	Gudefin
20	5779769	1998-07-14	Jiang
21	5911957	1999-06-15	Khatchatrian et al
22	5980614	1999-11-09	Loreth et al
23	6193852	2001-02-27	Caracciolo et al
24	6212883	2001-04-10	Kang
25	6508982	2003-01-21	Shoji

**Signature**

<b>Examiner Name</b>	<b>Date</b>

MAR 24 2005

COPY

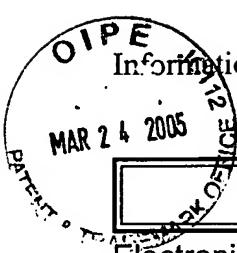
UNITED STATES PATENT AND TRADEMARK OFFICE  
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**ELECTRONIC INFORMATION DISCLOSURE STATEMENT**

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Stylesheet Version v18.0

<b>Title of Invention</b>	Electro-Kinetic Air Transporter and Conditioner Device with Enhanced Anti-Microorganism Capability				
Application Number:	10/074096				*10/074096*
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<b>US Patent Documents</b>					
Note: Applicant is not required to submit a paper copy of cited US Patent Documents					
init	Cite.No.	Patent No.	Date	Patentee	Kind
	1	4955991	1990-09-11	Torok et al	
	2	4967119	1990-10-10	Torok et al	
	3	4976752	1990-12-11	Torok et al	
	4	5006761	1991-04-09	Torok et al	
	5	5012159	1991-04-30	Torok et al	
	6	5053912	1991-10-01	Loreth et al	
	7	5180404	1993-01-19	Loreth et al	
	8	5766318	1998-06-16	Loreth et al	
	9	5993521	1999-11-30	Loreth et al	
	10	6117216	2000-09-12	Loreth	
	11	6203600	2001-03-21	Loreth	
	12	6398852	2002-06-04	Loreth	
	13	6494940	2002-12-17	Hak	
	14	6635105	2003-10-21	Ahlborn et al	
	15	3540191	1970-11-17	Herman	

**US Published Applications**

Note: Applicant is not required to submit a paper copy of cited US Published Applications

init	Cite.No.	Pub. No.	Date	Applicant	Kind	Class	Subclass
	1	20040136863	2004-07-15	Yates et al			
	2	20040166037	2004-08-26	Youdell et al			

**Signature**

Examiner Name	Date